

Hunterdon County Agriculture Development Board Meeting

September 12, 2019 @ 8:00 pm

314 Route 12 County Complex
Building #1 | Assembly Room
Flemington, New Jersey

Members in Attendance:

Dave Bond
Robert Hoffman Jr.
Susan Blew
Ted Harwick
Dave Kyle
Gerry Lyness
Marc Phillips
Liz Schmid
John Van Nuys
Kevin Milz

CADB Staff Present:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq. County Counsel
Bob Hornby, CADB Administrator

Open Public Meeting Act:

Chairman Bond opened the meeting at 8:00 p.m. and read the Open Public Meeting Act:

"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, New Jersey a public place reserved for such announcements, and by mailing on or before January 11, 2019, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAPinto newspaper and designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."

Pledge of Allegiance:

Roll Call: Absent; John Perekhyns, Roger "Forest" Locandro

Approval of Minutes

- David Kyle made a MOTION to approve minutes from July 11th meeting as prepared, Susan Blew SECONDED. All in favor. Marc Phillips and John Van Nuys ABSTAINED

Communications and Administrative Business:

- **CADB Staff update**
 - **Peacefield/Jansen (Alexandria)** – In closing review at SADC, there have been several mergers involving Jansen and Ortho Pharmaceuticals over the years, they are confirming chain of title paperwork on 2004 zoning eligibility.
 - **DuBrow Farm (Franklin)** – Landowners accepted the offer, Franklin Township is looking at Final Approval tonight, CADB will vote to finalize later this evening. It's on the preliminary Freeholder Agenda for October 1st.
 - **Onuschak (formerly Stryker Farm, Franklin)** – Appraisal work started last week.

- **Grochowicz (Hampton, Glen Gardner, Bethlehem)** - Survey is complete and is under review at SADC
- **Goeckeler (Kingwood)** – Closed 8/29/19, ALE and SADC funded, no County portion. 43 acres.
- **Total** of 630 acres closed so far this year. On the \$4.6 million year to date, Hunterdon has only spent \$156,000, around 3%. There have been a lot of direct easement closings and quite a few federal funded that Hunterdon has not contributed towards.
- **Harvest Round** – Still an October 1st deadline, we do not have any signed applications although there are a couple possibilities. Introductions at the October 10th CADB meeting.
- **PIG Annual Application** – Due December 16 at the SADC, getting set for next year.

Correspondence:

- Received a letter from SADC about the Winery Pilot Program. They do an annual questionnaire with any updates. Bob asked if there were any comments from the Board Members to send as feedback. Haven't had any violations so far. SADC is looking to expand program in some form to all Preserved farms.

SADC Comments:

- Stefanie Miller not able to attend. Soil Protection Standards will be discussed at the September SADC meeting. Jeff Everitt from SADC is leading that up, may be coming to a CADB meeting at a future date to update the Board on where they are with it and to get feedback from us.
- Hemp legislation on hold now. There was a line item freeze on certain budget items. Hemp legislation (which is separate from marijuana) guidelines have been put on hold due to a funding freeze.
- PennEast Pipeline – NJ Attorney General has advised that no applications within the pipeline corridor be processed until there is a conclusion. Process changed from what Bob stated in July, up until then they were advising that farms under agreement weren't going to be processed, now advice is anything within the pipeline corridor, whether it's a new application or ongoing, is on administrative hold. If there are Municipalities that want to preserve, they can to go ahead, they have three years to file for reimbursement. If Pipeline fight goes further than that they will begin to time out on reimbursement. Bob asked County Counsel Shana Taylor if she has any comment. Shana stated there was a third circuit opinion released 2 or 3 days before with regards to the pipeline, essentially vacating the condemnation on preserved land. The county has another attorney who specializes in this, waiting for input from him on the impact.

Chair Comments:

- None at this time

Old Business:

- **Hunterdon County Comprehensive Farmland Preservation Plan Update**
 - Bob stated that there will be grants for the new farmland plan, in discussion on whether to hire someone to do the new plan. It would be written with CADB input. He would like feedback from the board. The plan is the guiding document on how the CADB wants to proceed over the next 10 years.
 - Some municipalities feel they have now preserved enough, they've reached their target of 30% or X number of acres and they don't want to pay for any more. They generally don't object to the county doing it.

- Hunterdon has a 40-acre minimum for both County and Municipal PIG projects, maybe time to look at that. SADC Direct Easements in Hunterdon has a 49-acre priority farm ranking. There is a shrinking pool of eligible applicants.
- Hunterdon is the only county to require municipal cost share on County PIGs.
- If Municipal PIGs were allowed a smaller minimum acreage could Hunterdon pick up a larger portion of the County PIG.
- County would like to get working on the plan by the end of the year. Comments appreciated in the next few months.

New Business:

- **Final Approval**

- **DuBrow Farm**, Franklin Township Block 42 Lot 1.01 – 2018 harvest round, 37 acres with a 4.5-acre exception area. Application has not changed over the process, well and septic are included in the exception area. Currently in soy beans. Bob Hoffman made a MOTION to accept, Liz Schmid SECONDED. Chairman Bond called for a roll call vote.

ROLL CALL MOVED SECONDED AYES NAYS ABSTAIN ABSENT

David Bond, Chair			X			
Robert Hoffman, Jr., Vice Chair		X	X			
Susan Blew					X	
Marc Phillips			X			
John Perehinys						X
Gerry Lyness			X			
John Van Nuys						X
Dave Kyle			X			
Liz Schmid		X	X			
Ted Harwick			X			
Roger "Forest" Locandro						X

7 IN FAVOR, 1 ABSTENSION, 2 ABSENT, MOTION CARRIED

Right to Farm Matters:

- **SSAMP Hearing Update**

- **Steller/Haddad Farm, Tewksbury Twp. Block 19 Lots 11.05, 11.06 & 11.07.** County Counsel Shana Taylor stated that they have withdrawn the application with the board, they have settled with the municipality, administratively dismissing this matter.
- **Clucas Farms LLC, Tewksbury Twp. Block 23 Lot 31.** County Counsel Shana Taylor stated they have settled with the municipality, administratively dismissing this matter.

- **SSAMP Hearing**
 - **Beneduce Vineyards**, Alexandria Township Block 21 Lot 41.31 – Met with all parties involved and they decided to go into negotiations.
 - Counsel called for a vote to open public hearing on Beneduce Vineyards – Liz Schmid made a MOTION to open the Hearing, David Kyle SECONDED. All in favor.
 - Counsel called for a vote to adjourn the Hearing, Liz Schmid made a MOTION to adjourn and carry the hearing until November 14th CADB meeting. David Kyle SECONDED. All in favor.

Public Comments:

- None

Adjournment:

- MOTION for adjournment made by John Van Nuys, Ted Harwick SECONDED.

ALL IN FAVOR, MOTION CARRIED. Meeting Adjourned at 8:30 PM

**STATE OF NEW JERSEY
HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION OF FINAL APPROVAL
DuBrow Farm**

WHEREAS, the County of Hunterdon may acquire a development easement in accordance with the State Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et. seq., the County Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1, and the regulations thereunder; and

WHEREAS, the County of Hunterdon submitted a County Planning Incentive Grant (PIG) Application in the 2018 Harvest funding round to the Hunterdon County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC); and

WHEREAS, the application provided for the proposed acquisition of a development easement for the property owned by Paula DuBrow, located at 567 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lot 1.01 in the Township of Franklin, County of Hunterdon, State of New Jersey; and

WHEREAS, on June 27, 2019, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$8,100.00 per acre on the DuBrow Farm in Franklin Township Block 42, Lot 1.01 --with one dwelling opportunity consisting of: zero Residential Dwelling Site Opportunity (RDSO); zero existing dwellings in the Proposed Easement Area; zero severable exceptions; and one 4.5-acre non-severable exception limited to one future single family residential unit; resulting in approximately 33.05 net acres; and

WHEREAS, on July 12, 2019, the landowner accepted the CMV of \$8,100.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a commitment of funding pursuant to N.J.A.C. 2:76-17.16, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 33.05 acres), subject to:

- a) The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
- b) Any additional adjustments pursuant to State statute, rule, regulation, or policy;

State Agriculture Development Committee (\$4,950.00/acre; ~60% of est. total cost)	~\$163,597.50
Hunterdon County (\$1,575.00/acre; ~20% of est. total cost)	~\$52,053.75
Franklin Township (\$1,575.00/acre; ~20% of est. total cost)	~\$52,053.75
Total	~\$267,705.00

NOW, THEREFORE, BE IT RESOLVED, that the Hunterdon County Agriculture Development Board gives final approval to the proposed acquisition of a development easement on the property owned by Paula DuBrow, located at 567 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lot 1.01 in the Township of Franklin, County of Hunterdon, State of New Jersey, and on approximately 33.05

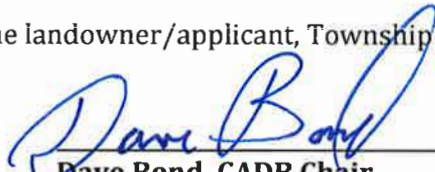
acres pursuant to the County Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
 - a. Exceptions: one 4.5-acre non-severable exception limited to one future single-family residential unit;
 - b. Dwellings: One future dwelling in a non-severable exception area;
 - c. Agricultural Labor Housing Units: Zero existing
 - d. Preexisting Non-Agricultural Uses: Office area in the proposed exception area
 - e. Trail or Access Easements: Zero Existing or Proposed
2. The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and
3. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer; and
4. The County's contribution is based on the assumption that the Township paid an amount of consideration for the Development Easement based upon an amount equal to, or greater than, the SADC certified fair market value per acre of the Development Easement. The County's contribution shall be reduced in accordance with County policy if that was not the case.

WHEREAS, the CADB shall forward this Resolution of Final Approval to the Hunterdon County Freeholder Board recommending that the Freeholder Board provide final authorization for the proposed acquisition of a development easement on the property owned by Paula DuBrow, located at 567 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lot 1.01 in the Township of Franklin, County of Hunterdon, State of New Jersey, and in an amount of approximately \$52,053.75. The County's contribution shall be paid in full at closing.

A copy of this Resolution shall be forwarded to the landowner/applicant, Township of Franklin, and the State Agriculture Development Committee.

Adopted September 12, 2019



Dave Bond, CADB Chair